

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
and Immigration
Services**

PUBLIC COPY



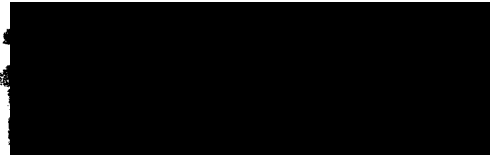
BS

FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: SEP 07 2005

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann

en

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. The decision of the director will be withdrawn and the petition will be remanded for further action and consideration.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. At the time of filing, the petitioner was a postdoctoral research fellow at the University of Texas at Austin. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree but that the petitioner had not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

The director's denial notice consists entirely of general statements about regulations and case law, with no specific discussion of the specific merits or deficits of this petitioner's claim of eligibility. The decision appears to be little more than a basic template, intended not as a full decision but as the basic skeleton of such a decision. Supporting this conclusion are sections that consist entirely of a bold-type heading followed by the bracketed phrase "[NOT DISCUSSED]." Such passages may be appropriate in a raw template document, but elements not relevant to a given decision should be removed from such a template before the document can be considered to be in its final form.

As counsel notes on appeal, the denial notice shows the wrong alien's name on the cover page, which highlights counsel's impression that the director gave no individual attention to the record of proceeding. The cover page of the denial does, we note, show the correct I-140 receipt number and A-number. We cannot determine why a different alien's name appears in place of the petitioner's name.

Concerns about the cover page aside, the director's decision contains no information at all about the petitioner's claims. The stated grounds for denial are so generic that the petitioner has not had a meaningful opportunity to offer a substantive appeal. The wording of the decision offers no obvious indication that the author of the decision has examined the record in any detail.

Therefore, this matter will be remanded. The director may request any additional evidence deemed warranted and should allow the petitioner to submit additional evidence in support of its position within a reasonable period of time. As always in these proceedings, the burden of proof rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The director's decision is withdrawn. The petition is remanded to the director for further action in accordance with the foregoing and entry of a new decision which, if adverse to the petitioner, is to be certified to the Administrative Appeals Office for review.